IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 102 OF 2002

IN

WRIT PETITION NO. 2728 OF 2001

IN

WRIT PETITION NO. 1108 OF 2002

ATUL A. BAROT & ANR ... PETITIONERS.

VS.

MUNICIPAL CORPORATION OF

GREATER BOMBAY & ORS. ... RESPONDENTS,.

MR. SANTOSH SHETTY I/B.M.P.VASHI & ASSOCIATES FOR THE PETITIONES.

MR. G.W.MATTOS AGP FOR THE RESPONDENTNOS. 1,2 AND 5.

Coram : S.K.Shah, J.

Date : December 23, 2005.

P.C.:-

1. The contempt petition is disposed of in the forllowing terms :-

(a) The Mumbai Slum Improvement Board (West Division), a regional unit of Maharashtra Housing and Area Development Authority, shall demolish the portion of the compound wall

erected on the Petitioner’s property which is marked in Blue Colour in the sketch plan produced on record. [The Plan is taken on record and marked "X" for identification]. Thereafter, the said Board shall construct 6 W.Cs and 2 Urinals in the portion marked in Green Colour, admeasuring 8.5 mts. x 3.5 mts. The sewerage line from the said W.Cs. and Urinals shall be laid down in accordance with the demarcated line marked in Pink Colour. Upon completion of the said construction, the said Board shall erect a boundary wall around the constructed W.Cs. and Urinals in accordance with the demarcated line, marked in Brown Colour.

(b) The Petitioners shall forthwith; issue a Pay Order for the sum of Rs. 2,88,792/- (Rupees Two lacs eighty eight thousand seven hundred and nintytwo only) in the name of "Chief Accounts Officer, Mumbai Slum Improvement Board towards construction charges of the said W.C.s. and Urinals and towards the demolition charges of the existing part of the compound wall and W.Cs. The existing W.Cs. are more particularly shown in Red Colour.

(c) The Executive Engineer, Mumbai Slum

Improvement Board (West Division) shall upon receipt of the said payment, apply to the concerned Executive Engineer, (Building Proposals), Municipal Corporation of Greater Mumbai for grant of permission for relocating the existing W.Cs. and for construction of the said W.Cs. and Urinals the location, as more particularly marked in Green Colour in the said Sketch Plan. The concerned Executive Engineer (Building Proposals) MCGM shall grant the said permission within a period of one week from the receipt of such application from the Executive Engineer, Mumbai Slum Improvement Board (West Division).

(d) Upon receipt of the requisite permission, the Mumbai Slum Improvement Board (West Division) shall construct the said W.Cs. and Urinals within a period of 12 weeks from the date of receipt of the said permission, after following the due process of law in respect thereof.

(e) Upon construction of the W.Cs. and Urinals the relocated place as per the said Sketch Plan, the Executive Engineer, Mumbai Slum Improvement Board (West Division) shall within 7 days thereof demolish the existing W.Cs. and

Urinals.

2. The Petition accordingly stands disposed of with no order as to costs.